

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on the date indicated below.

TTAB

Sarah L. Henry
Typed or Printed Name of Person Sending Paper or Fee
Sarah L. Henry 3/27/06
Signature Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. **76/620,265**
Published in the Official Gazette on **November 15, 2005**
Mark: **DEAN'S BEANS**

| | | |
|--------------------------------------|---|--------------------------------|
| DEAN CYCON d/b/a DEAN'S BEANS |) | |
| |) | |
| Opposer |) | Opposition No. 91168248 |
| |) | |
| v. |) | |
| |) | |
| HERBAL TECHNOLOGIES, INC |) | |
| |) | |
| Applicant |) | |
| |) | |

COMMUNICATION WITH TTAB

On December 14, 2005, Opposer filed its "Notice of Opposition" with the TTAB in the subject opposition. On January 18, Applicant filed its "Answer to Notice of Opposition" with the TTAB. On February 10, 2006, Opposer propounded the following discovery requests on Applicant: (1) "Opposer's First Request for Production of Documents to Applicant"; (2) "Opposer's First Set of Interrogatories to Applicant"; and (3) "Opposer's First Request for Admissions to Applicant." Applicant's responses to these three separate discovery requests were due within thirty (30) days, or by March 10, 2006. Applicant never responded to any of these three discovery requests.

On March 22, 2006, Applicant forwarded to the undersigned Attorney for Opposer by facsimile the letter attached hereto as Exhibit A. That letter indicated Applicant's intention



03-29-2006

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to not continue with the subject Opposition proceeding, and included as an attachment thereto a copy of a "Request to Withdraw and Cancel Trademark Application," which Applicant was purportedly filing with the USPTO. That Request asked the USPTO to cancel the application for registration of the mark.

In light of the foregoing, Opposer respectfully requests pursuant to TBMP §602.01 and 37 CFR §2.135, the TTAB now enter judgment against Applicant in the subject opposition proceeding, and that the subject opposition proceeding be terminated by the TTAB.

Respectfully submitted,



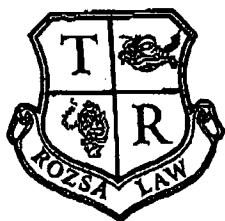
Richard D. Getz
O'SHEA, GETZ & KOSAKOWSKI, P.C.
1500 Main Street, Suite 912
Springfield, MA 01115
(413) 731-3100 x103
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that this Communication with TTAB was sent by facsimile transmission and by regular U.S. mail to Thomas I. Rosza, Attorney for Applicant, Rozsa Law Group LC, 15910 Ventura Boulevard, Suite 1601, Encino, CA 91436-2815 this 27 day of March 2006.

Richard D. Getz

Richard D. Getz
Attorney for Opposer



THOMAS I. ROZSA

ROZSA LAW GROUP LC

ATTORNEYS AT LAW

15910 VENTURA BOULEVARD, SUITE 1601
ENCINO, CALIFORNIA 91436-2815INTELLECTUAL PROPERTY LAW MATTERS INCLUDING
PATENT, TRADEMARK, COPYRIGHT, TRADE SECRET, UNFAIR COMPETITION
AND RELATED PROSECUTION, LICENSING AND LITIGATION

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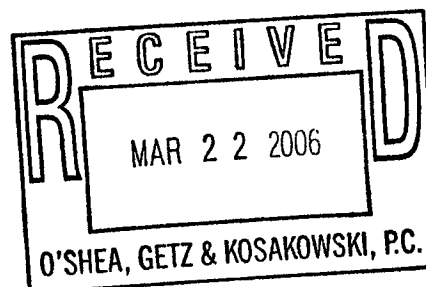
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WEB SITE

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March 22, 2006

By Telecopier - Hard Copy By Mail
(413) 731-3101Richard D. Getz, Esq.
O'Shea, Getz & Kosakowski, P.C.
1500 Main Street
Suite 912
Springfield, MA 01115

Re: Dean Cycon d/b/a Dean's Beans vs. Herbal Technologies, Inc.:

1. Opposition No. 91168248 In The Matter Of Trademark Application Serial No. 76/620,265 For "DEAN'S BEANS"
2. Opposition No. 91168344 In The Matter Of Trademark Application Serial No. 76/635,930 For "DEAN'S ENERGY BEANS"

Dear Mr. Getz:

My client Herbal Technologies, Inc. has decided not to continue to fight the above-referenced Oppositions. Please find enclosed a copy of the Request to Withdraw and Cancel Trademark Application which I have sent to the Trademark Office to cancel each of the above-referenced trademark applications for "DEAN'S BEANS" and for "DEAN'S ENERGY BEANS". Please terminate the above referenced Oppositions since they are now moot.

Sincerely,

Thomas I. Rozsa

TIR:lk rg22
Enclosures

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 Docket: 36710.036

3
4 In the Trademark Application Of:

5 Applicant: Herbal Technologies Inc.

6 For Mark: DEAN'S BEANS

7 Application Serial No: 76/620,265

8 Filed: 11/12/2004

9 Applicant's Attorney: Thomas I. Rozsa

10 Telephone No: (818) 783-0990

11 Today's Date: March 22, 2006

12 REQUEST TO WITHDRAW AND
13 CANCEL TRADEMARK APPLICATION

14
15 COMMISSIONER FOR TRADEMARKS

16 P.O. Box 1451

17 Alexandria, Virginia 22313-1451

18
19 SIR:

20 Applicant Herbal Technologies Inc. hereby respectfully requests the
21 Commissioner for Trademarks to withdraw its Trademark Application Serial No.
22 76/620,265 for the trademark "DEAN'S BEANS" which was filed based upon an intent
23 to use for use in conjunction with NUTRITIONAL SUPPLEMENTS FOR HUMANS,
24 NAMELY, DIETARY FOOD SUPPLEMENTS, HERBAL SUPPLEMENTS,
25 NUTRITIONAL SUPPLEMENTS, VITAMIN AND MINERAL SUPPLEMENTS,
26

27 ///

28 ///

///

1 NATURAL FOOD SUPPLEMENTS, and hereby respectfully requests the Commissioner
2 for Trademarks to cancel this trademark application.

3
4 Respectfully submitted,

5 Dated: March 22, 2006

Thomas I. Rozsa
6 Thomas I. Rozsa
7 Registration No. 29,210

8 Thomas I. Rozsa, Esq.

9 ROZSA LAW GROUP LC

10 15910 Ventura Boulevard

11 Suite 1601

12 Encino, California 91436-2815

13 Telephone: (818) 783-0990

14 Facsimile: (818) 783-0992

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ATTORNEYS AT LAW
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17 I hereby certify that this correspondence is
18 being deposited with the United States
19 Postal Service as Express Mail in an envelope
20 addressed to: Commissioner for Trademarks,
21 P.O. Box 1451, Alexandria, VA 22313-1451 3/22/06

22 Date of Deposit

23 Express Mail No.

24 THOMAS I. ROZSA
25 Registration No. 29,210

Thomas I. Rozsa 3/22/06
26 Signature and Date

27
28 wth.app.036